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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/073,667 | 02/11/2002 | Robert Study | 72971 | 4594 |
| 22242 | 7590 | 10/20/2005 | EXAMINER | |
| FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406 | | | GANTT, ALAN T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2684 | |
| DATE MAILED: 10/20/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,667

Applicant(s)

STUDY ET AL.

Examiner

Alan T. Gantt

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/27/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/27/04 have been fully considered. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurta et al. (US 5,450,087), in view of Fitzgibbon et al. (US 2003/0210131)

Regarding claim 1, Hurta discloses a method for use with a control device, which control device is operably coupleable to a barrier operator and receives movable barrier operator instructions from a plurality of transmitters, each of which transmitters is identifiable by a unique identifier, the method comprising: (col. 1, lines 43-51). Hurta meets the following limitations of the method:

providing a memory containing a plurality of the unique identifiers (col. 17, lines 13-62),

wherein at least some of the unique identifiers can also have stored in correspondence therewith a blocking indicator to indicate that the unique

identifier associated with the blocking indicator is not authorized to control at least one aspect of the movable barrier operator; [col. 17, lines 13-62]

Hurta uses 5 memory blocks where one of the blocks uses an identifying code such as account number – there is a flags register associated with the account IDs that contain bits that provide information that include blocking indicators. These bits, depending on the values, could be used to not allow access by the identifying codes [account ID]. In the case of the Table should in the passage there is a means of showing for an account “delinquent account” which could be considered a blocking indicator.

- upon detecting assertion of a first user interface input that comprises a command to display blocked unique identifiers, displaying at least a first memory location address as contains a unique identifier as is then stored in the memory in association with one of the blocking indicators (col. 17, line 64-67 and col. 26, lines 27-52)

In the cited passage Hurta discusses a maintenance mode in which an authorized entity can store user information into the transponders memory. It is inherent that when entering data into a memory there is typically a means for the user to see the current state (usually the computer display screen) of the memory content upon entry into the system. Hurta does not explicitly state that the transponder is coupled to a movable barrier operator.

Fitzgibbon discloses a method for use with a control device, which control device is operably coupleable to a movable barrier operator and receives movable barrier operator instructions from a plurality of transmitters, each of which transmitters is identifiable by a unique identifier (unique fingerprint – paragraph 0008-0011),

Hurta and Fitzgibbon are combinable because they share a common endeavor, namely, mechanism that relate to parking garage or toll road access. At the time of the applicant's invention it would have been obvious to modify the transponder of Hurta to manipulate the movable barrier mechanism of Fitzgibbon so that any reason for denied access could be readily made visible.

Regarding claim 10, Hurta discloses a method for use with a control device, which control device is operably coupleable to a barrier operator and receives movable barrier operator instructions from a plurality of transmitters, each of which transmitters is identifiable by a unique identifier, the method comprising: (col. 1, lines 43-51). Hurta meets the limitations for a device for use with a movable barrier operator comprising:

- memory means for storing identifying information as corresponds to a plurality of remote control transmitters and blocking information in association with any identifying information that corresponds to specific remote control transmitters that are not fully authorized with respect to the movable barrier operator; (col. 17, lines 13-62),

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Hurta uses 5 memory blocks where one of the blocks uses an identifying code such as account number – there is a flags register associated with the account IDs that contain bits that provide information that include blocking indicators. These bits, depending on the values, could be used to not allow access by the identifying codes [account ID]. In the case of the Table should in the passage there is a means of showing for an account “delinquent account” which could be considered a blocking indicator.

- display means for displaying at least memory location addresses; (col. 26, lines 27-52)

In the cited passage Hurta discusses a maintenance mode in which an authorized entity can store user information into the transponders memory. It is well known that when entering data into a memory there is typically a means for the user to see the current state (usually the computer display screen) of the memory content upon entry into the system.

- user interface means for causing memory location addresses that correspond to identifying information for blocked remote control transmitters to be displayed in response to a command that blocked transmitters be displayed.

In the cited passage Hurta discusses a maintenance mode in which an authorized entity can store user information into the transponders memory. It is inherent that when entering data into a memory there is typically a means for the user to see the current state (usually the computer display screen) of the memory content upon entry into the system. Hurta does not explicitly state that the transponder is coupled to a movable barrier operator.

Fitzgibbon discloses a method for use with a control device, which control device is operably coupleable to a movable barrier operator and receives movable barrier operator instructions from a plurality of transmitters, each of which transmitters is identifiable by a unique identifier (unique fingerprint – paragraph 0008-0011),

Hurta and Fitzgibbon are combinable because they share a common endeavor, namely, mechanism that relate to parking garage or toll road access. At the time of the applicant's invention it would have been obvious to modify the transponder of Hurta to manipulate the movable barrier mechanism of Fitzgibbon so that any reason for denied access could be readily made visible.

Regarding claim 15, Hurta discloses a method for use with a control device, which control device is operably coupleable to a barrier operator and receives movable barrier operator instructions from a plurality of transmitters, each of which transmitters is identifiable by a unique identifier, the method comprising: (col. 1, lines 43-51). the method comprising:

- providing a memory containing a plurality of the unique identifiers, (col. 17, lines 13-62)

wherein at least some of the unique identifiers can also have stored in correspondence therewith a blocking indicator to indicate that the unique identifier associated with the blocking indicator is not authorized to provide

at least one instruction; (col. 17, lines 13-62)

Hurta uses 5 memory blocks where one of the blocks uses an identifying code such as account number – there is a flags register associated with the account IDs that contain bits that provide information that include blocking indicators. These bits, depending on the values, could be used to not allow access by the identifying codes [account ID]. In the case of the Table should in the passage there is a means of showing for an account “delinquent account” which could be considered a blocking indicator.

- upon detecting assertion of a first user interface input that comprises a command to display blocked unique identifiers, displaying at least a first memory location address as contains a unique identifier as is then stored in the memory in association with one of the blocking indicators. (col. 26, lines 27-52)

In the cited passage Hurta discusses a maintenance mode in which an authorized entity can store user information into the transponders memory. It is inherent that when entering data into a memory there is typically a means for the user to see the current state (usually the computer display screen) of the memory content upon entry into the system. Hurta does not explicitly state that the transponder is coupled to a movable barrier operator.

Fitzgibbon discloses a method for use with a control device, which control device is operably coupleable to a movable barrier operator and receives movable barrier operator

instructions from a plurality of transmitters, each of which transmitters is identifiable by a unique identifier (unique fingerprint – paragraph 0008-0011),

Hurta and Fitzgibbon are combinable because they share a common endeavor, namely, mechanism that relate to parking garage or toll road access. At the time of the applicant's invention it would have been obvious to modify the transponder of Hurta to manipulate the movable barrier mechanism of Fitzgibbon so that any reason for denied access could be readily made visible.

Regarding claim 2, Hurta inherently teaches upon detecting assertion of a second user interface input that comprises a command to display additional block unique identifiers, displaying at least an additional memory location address as contains a unique identifier as is then stored in the memory in association with one of the blocking indicators (col. 17, lines 12-67, col. 18, lines 1-50 and col. 26, lines 28-52, where Hurta discusses contents of memory blocks are written at service centers. Therefore, all blocks are accessible).

Regarding claim 3, Hurta fails to teach when there is no additional blocked unique identifier to display, displaying at least one earlier displayed memory location address as contains a unique identifier as is then stored in the memory in association with one of the blocking indicators. Official Notice is taken that the concept and advantage of providing a means to display earlier memory locations when there are no additional memory locations is well

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known and expected in the art. It would have been obvious to provide additional memory locations in order to utilize such a display scheme as a diagnostic tool.

Regarding claims 4-9, Hurta discloses the contents of the memory are written at the service center (col. 17, lines 64 to col. 18, lines 3), therefore inherently teaches tactile assertion of user inputs on a keyboard that would include special characters and numbers.

Regarding claim 11, Hurta inherently teaches at least interface that the user interface displays one memory location address at a time. (col. 17, line 64 - col. 18, line 3 as there is shown "read-only" capability)

Regarding claim 12, Hurta does not explicitly state that user causes the display to iterate a seriatim of memory locations for blocked transmitters. However, the examiner takes Official Notice that the user interface means displays a series of memory location addresses at a time is well known and at the time of the applicant's invention it would have been obvious to utilize such a display scheme as a diagnostic tool.

Regarding claim 13, Hurta does not explicitly teach presenting a previously presented memory location for a blocked transmitter after all blocked transmitters have already been displayed. However, the examiner takes Official Notice that such schemes are well known and it would have been obvious to modify the Hurta to include such, as such scheme would be a design choice and basically provides a default setting.

Regarding claim 14, Hurta does inherently teach the user interface comprising a keypad (col. 17, line 64 to col. 18, line 3 – shown by use of the language “written . . . by the authorized entity”).

Conclusion

4. Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (571) 272-7878. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (571) 273-8300.

Any inquiry of a general nature or relating to this application should be directed to Supervisory Patent Examiner Nay Maung at telephone number (571) 272-7882.

Alan T. Gantt

Alan T. Gantt

September 30, 2004

Nick Corsaro
NICK CORSARO
PRIMARY EXAMINER